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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,823	10/20/2004	Michel Pasternicki	MART0830US	9821
24235	7590	11/09/2007	EXAMINER	
LEVINE & MANDELBAUM 444 MADISON AVENUE 35TH FLOOR NEW YORK, NY 10022			GOFF II, JOHN L	
		ART UNIT	PAPER NUMBER	
		1791		
		MAIL DATE		DELIVERY MODE
		11/09/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/508,823	PASTERNICKI, MICHEL	
	Examiner John L. Goff	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 April 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 11-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 September 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/05, 2/28/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, claims 1-10, in the reply filed on 4/20/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinali (U.S. Patent 5,081,816) in view of Konstandin (U.S. Patent 5,542,235), Romagnoli (U.S. Patent 4,506,495), and optionally DE20105928 (See also the abstract).

Cardinali discloses a method of continuously producing blister packs for packaging pills, tablets, capsules, etc. comprising placing individualized thermoformable blister packs onto a conveyor with the face of the blister pack including the blisters facing up, inspecting the blister packs, removing the blister packs from the conveyor, and packaging the blister packs (Figures 1 and 3 and Column 1, lines 18-31 and Column 8, lines 20-21 and Column 10, lines 17-20).

Cardinali does not disclose the face of the blister pack including the blisters have a linerboard adhered thereto. It is well taken in the blister pack art that the face of the blister pack including the blisters have a linerboard adhered thereto to reinforce the blister pack as well as to carry information regarding the pills, tables, capsules, etc. that are packaged as shown for example by Konstandin and optionally DE20105928. Konstandin discloses a method of continuously producing blister packs for tablets comprising supplying blister packs with the face of the blister pack including the blisters facing up, placing individualized linerboards having holes corresponding to each blister on the blister pack on the face of the blister pack including the blisters, and adhering the linerboards to the blister packs. Konstandin further teach the linerboards include a flap adhered to the blister pack in the turned down position to form foldable blister packs (Figures 1-4 and Column 1, lines 12-20 and 59-66 and Column 4, lines 1-8 and Column 5, lines 7-10 and 40-53). DE20105928 optionally cited to specifically show it was known to adhere individualized blister packs with individualized linerboards (See the abstract and Figure 1). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include after inspecting the blister packs taught by Cardinali a step of adhering individualized linerboards to the individualized blister packs as was well taken in the art and shown by Konstandin and optionally DE20105928 to reinforce the blister pack, to carry information regarding the pills, tables, capsules, etc. that are packaged, and to form foldable blister packs.

As to the specific technique of adhering, Cardinali as modified by Konstandin and optionally DE20105928 do not specifically describe applying heat and pressure. However, it is well taken in the art of adhering a layer to a thermoformable blister pack to adhere the layer using heat and pressure wherein the thermoformable blister pack is made thermoadhesive as shown by Romagnoli wherein Romagnoli apply the heat and pressure through a roller including recesses for the blisters and a counterpressure roller considered to cause the blister pack and layer to travel along a curved path during adhering and considered thermal conduction (Figures 1, 8, and 9 and Column 2, lines 32-42 and 59-63 and Column 3, lines 65-68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adhere the thermoformable blister pack and linerboard as taught by Cardinali as modified by Konstandin and DE20105928 by applying heat and pressure thereto as shown by Romagnoli using for example a roller including recesses for the blisters and a counterpressure roller placed at the end of the conveyor to adhere the thermoformable blister pack and linerboard without the use of adhesives.

***Allowable Subject Matter***

5. Claims 5-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest a method of continuously adhering individualized linerboards to individualized blister sheets as claimed using a plurality of electrodes and a plurality of counterelectrodes circulated continuously in a respective closed circuit as described in claim 5.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John L. Goff  
Primary Examiner  
Art Unit 1791